

SWM UTILITY IMPLEMENTATION – PUBLIC COMMENTS RECORD

Name/ Represents:	Comments	Response
COMMENTS ON ORDINANCE/REGULATIONS		
Environ- ment Commission	See Environment Commission's separate comments on ordinance and regulations.	See responses in Environment Commission's separate comments
William Kominers – attorney, Holland and Knight and member of Stormwater Advisory Group	<p>Submitted separate letter. Points included:</p> <ol style="list-style-type: none"> 1. Timing of SWM Utility Fee payments – payment should not be considered delinquent until a period after the tax bill due date. 2. SWM Utility Fee adjustments for errors should be allowed for a longer period after billing than 30 days to allow owners to properly prepare their appeal and do any necessary follow-up. 3. Allow owners to file for fee adjustment throughout the year instead of within a set period during the billing cycle. In the event of an error, provide for pro-rating or rebating the annual fee between billing cycles. 4. Allow SWM Utility Fee credits to developers for construction of regional SWM facilities that control public streets or other previously developed areas, even if the facilities are then given to the City to maintain. 	<p>1-3. Agree with items 1-3, which are the items related to billing. Revisions have been made accordingly to the draft ordinance/regulations.</p> <p>4. Disagree with item 4's conclusion to allow fee credits for SWM facilities that are maintained by the City. Developers that construct a shared or regional SWM facility treating runoff from outside of their own development typically benefit from turning the facility over to the City for long-term maintenance, thus avoiding ongoing costs for the facility. In addition, regional facilities are often sited in stream valley buffers to intercept runoff from outside the development. This frees up valuable development space within the new development. In the future, the City may consider a cost-share for construction costs of regional facilities that would reflect the initial investment made by the developer on the public's behalf in excess of the developer's accrued benefits, but probably not a perpetual deduction from the annual fee.</p>

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COMMENTS ON EXTENT OF OUTSIDE REGULATIONS		
Councilman John Britton (in response to Rich Gottfried's email)	How much of our SWM plan is driven by state and federal environmental law and how much, if any, by Rockville imposed requirements?	<p>The federal NPDES (National Pollution Discharge Elimination System) permit requires the City to implement six major water resource elements: sediment control for construction sites; effective stormwater management treatment for developments; municipal best management practices for city facilities and streets; public education and outreach on watershed protection; public participation in watershed protection; and illicit discharge detection and elimination. Most of the City's SWM duties (for both the current program and the expanded or additional elements) can be traced to one of the six requirements.</p> <p>In addition, Rockville must follow state standards on selection, design, and construction of SWM facility and sediment control measures. The state and the federal government also require the City to manage 100-year floodplains, storm drain design and drainage pathways to protect against flooding damage and provide safe conveyance of stormwater to receiving streams. The City has chosen to impose stricter regulations for several provisions of the state's SWM regulations and floodplain management requirements in an effort to better protect City properties and reflect the fact that Rockville is an urban community with more redevelopment potential than many parts of the state.</p> <p>For some new program elements, the City recommends improving maintenance and repair practices as part of responsibly managing public infrastructure rather than in response to a particular environmental mandate. For instance, the City is</p>

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		expanding storm drainage inspection, maintenance, and replacement because of the risk to public health, safety, and welfare from pipe collapses and poor drainage, although it is not strictly related to the NPDES requirements.
COMMENTS ON PREFERENCE FOR SWM UTILITY FEE AND BILLING CONCERNS		
Jim Whalen, business owner/ developer	Believes the SWM Utility Fee is built on the backs of business and commercial owners, which is not fair given the investments developers have made in existing SWM and storm drain systems. Considers that taxes are at an all-time high and these should be used to fund needed services.	The SWM Utility Fee is equitably distributed among all owners. Businesses with one ERU will pay the same amount as a single-family owner with the same amount of imperviousness. Developers for both residential and non-residential sites do invest in the initial construction of required SWM and storm drainage; they are eligible for fee credits for privately owned SWM facilities. However, they do not fund the ongoing inspection and maintenance costs, nor the eventual replacement costs that the City shoulders when it takes over public facilities.
Sue Seboda, business owner/ developer	The City should also make an effort to notify tenants of rental properties as well as owners since some owners will pass the SWM Utility Fee onto their tenants. Believes the City should use the General Fund to cover the SWM program costs instead of a fee, and the City should cut costs in other programs to support necessary SWM programs. Also believes the City should not exempt public streets from the SWM Utility Fee.	Since the City does not have access to tenant lists, it is impossible to notify them individually. Public information available on the City's website and briefings through groups such as the Chamber of Commerce were intended to inform all interested parties, including tenants. The Mayor and Council decided in November, 2006, at a work session that funding by property taxes was less equitable and not as supportable as the SWM Utility Fee since tax funding is based on property values that do not correlate with stormwater impacts. The exemption of public streets was a policy decision based on the fact that streets may be used by anybody, including non-City property owners. Further, the City's SWM Utility Fee will be transferred each year from the General Fund to the SWM Fund. If the City paid for the street impervious area, this cost would still be

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	<p>Public Works no increase except a few in the refuse area.</p> <p>D. You have provided no adequate water quality runoff baseline from which to measure progress. Without a current baseline, you cannot know if your proposed 58 million dollars over 10 years will do anything, because you haven't measured your current state of water runoff quality.</p> <p>E. Your current record on enterprise funds is not good. You have gone from 5 million to 27 million dollars in the past five years under capital outlays under your expenditures column in your annual report. This is an impossible rate of increase for the taxpayers. You need to stop doing new enterprise funds until you fully evaluate the outcomes of your past expenditures, in terms of what you got for your money.</p>	<p>people will be charged to the SWM Fund which therefore will require more revenue.</p> <p>D. The staff does have baseline data on stream channel stability and water quality indicators from all three of the City's watershed studies for comparison to future surveys. The expanded water resources programs include further benchmarking efforts on both the success of traditional SWM and stream restoration efforts and the more intangible improvements of LID measures and public outreach.</p> <p>E. The SWM Fund has been an enterprise fund since 1978, and has maintained a positive fund balance for the duration. The SWM Utility Fee proposal was made in response to strategic planning starting in 2004 that will allow the City to improve its SWM-related services, meet regulatory obligations that cannot be met with the current level of staffing and funding, and manage the SWM Fund according to Mayor and Council policies. The CIP outlay for the SWM Fund is considerably less than in your email; even with the expanded programs, the annual CIP costs vary from a few hundred thousands to roughly 3.5 million.</p>
Gerry Cashin, President – Plymouth Woods Condominium Association – email to the Mayor and	In recent years, we have had substantial increases in our condominium fees, mostly due to raising utility costs. The proposed SWM utility fee will increase our condominium fees and put additional financial strain on our young families and the elderly on fixed incomes. We strongly oppose this new SWM utility fee. If the SWM fee must be imposed, we request that the city means test this new utility fee. We call upon the Mayor and City Council to continue to ensure Rockville is an affordable place to live.	Although the City does not wish to burden its residents with excessive fees, Rockville must meet new and stricter environmental regulations and also address infrastructure replacement and repair costs. The funding mechanism used from 1978 until now will not be adequate to meet these costs. Any offsets for reduced income owners will have to be offset by increased utility fees to the remaining property owners. Furthermore, need-based exemptions have led to other communities' SWM

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<p>Council and a follow-up email to Councilman Gajewski</p> <p>Similar comments from Christine Borger, Plymouth Woods resident</p>	<p>Of concern to our community is the excessive volume of stormwater runoff from Montgomery College's Rockville Campus and the resultant erosion of the banks of the Watts Branch stream running through Plymouth Woods. We respectfully call upon the City of Rockville to require Montgomery College's Rockville Campus to immediately and substantially reduce the volume of stormwater runoff flowing into the stream. We also ask you to ensure that Montgomery College fulfills its fair share of the SWM utility fees. What steps do we at Plymouth Woods need to pursue to ensure that the City of Rockville and Montgomery College addresses this problem as quickly as possible?</p> <p>Assuming the homeowner fee of approximately \$55 does not apply to condominium projects such as Plymouth Woods (we have parking lots instead of driveways and therefore more impervious surfaces), will there be additional assessments for our community? Is there a way to determine what Plymouth Woods? Approximate assessment will be if the SWM utility fee passes? This information will be</p>	<p>Utility Fees being overturned in the courts since they treat certain owners differently than others. Non-profit institutions such as Montgomery College might also claim preferential treatment for need-based exemptions under this scenario. The City believes that applying the same ERU rate to all owners will result in the most equitable system.</p> <p>Montgomery College will also be subject to this SWM Utility Fee. The college's Rockville campus will have an estimated 2008 fee of roughly \$45,000. Regarding the erosion within the private stream valley owned by Plymouth Woods downstream of the campus, Montgomery College has programmed a retrofit for its onsite stormwater management pond that will include substantial water quantity and quality control for the roughly 60-acre drainage area, including the new buildings proposed for the campus. Once constructed, this is expected to significantly reduce downstream erosion. Montgomery College has committed to building this retrofit in its first phase of campus redevelopment that is now in the planning stage. The City will continue to work with the college to facilitate this retrofit as soon as the college has obtained its funding and is ready to proceed.</p> <p>Under the default billing method, condominium properties will receive SWM Utility Fee bills that share the cost for the entire condominium property equally between the number of condominium owners within that community or association. The Plymouth Woods Condominium Association is estimated to have 354,618 square feet of impervious area, which is equivalent to 153 ERUs. This</p>

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	most helpful for budgeting purposes.	amounts to a 2008 fee of \$8,537.40. The fee would be divided equally among the 272 units in Plymouth Woods Condominium Association so each member would pay \$31.39 in 2008.
Councilman John Britton	What are the issues re: connecting with Montgomery County on SWM?	<p>Montgomery County's Water Quality Protection Charge does not support the same programs as the City's proposed SWM Utility Fee. The county's fee of about \$26 covers only repairs, operation, and maintenance of public SWM facilities. It does not cover the county's NPDES permit compliance, watershed studies, stream monitoring or public education; storm drain operations; or CIP design and construction for SWM, stream restoration and storm drain projects as the City's fee will. Moreover, the county's fee is only charged to residents and a limited number of associated non-residential owners that drain to residential SWM facilities. Under the county's system, Rockville's residents would pay but not most of its businesses, institutions, or office sites.</p> <p>Regarding billing, the City's utilities billing system does not reach all property owners in Rockville, since some owners do not pay for City refuse collection, and others do not obtain water and sewer service from the City. Therefore, Rockville doesn't have a comprehensive billing system already in place, so it would cost both time and money to modify the City's billing system for this new purpose.</p>
Rich Gottfried, resident (Also raised by	Why are homeowners being triple-taxed by this fee? This is Rockville City's version of Comcast's triple play...where the homeowners get to pay for their fee, Rockville city fee, school fee, and commercial and retail businesses fee from pass-throughs to the citizens.	Rich Gottfried is referring to the notion that a single-family lot resident would pay the flat SWM Utility Fee and, in addition, a very small amount of the resident's property taxes would be taken from the City's General Fund to cover the City's own SWM

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Councilman John Britton)		Utility Fee for city properties such as the recreation centers, the Gude Drive Maintenance Yard and City Hall. (The City's 2008 SWM Utility Fee is estimated at \$68,466.) This transfer is similar to residents and other owners having their property taxes used to cover the costs of the city's electric bill in addition to their own electric bill. Similarly, owners' taxes also go to support MCPS which will pay the City its own SWM Utility Fee; however, MCPS receives revenues from Montgomery County so this portion of the fee is shared with all county residents. The third part of the 'triple tax' is the possibility that Rockville business owners might raise the costs of their services or goods to cover the new SWM Utility Fee and thus pass it onto consumers.
Bill Meyer – homeowner and member of Stormwater Advisory Group	Is in favor of the expanded SWM program and the fee. He supported the SWM Utility Fee as a SAG member in the evaluation stage of the SWM Utility and recommended this approach when he served on the City's SWM Task Force in the early 1990s. He recommends that the funding analysis be left to experienced staff in the Finance and DPW Departments.	
Mark Pierzchala, President of College Gardens Civic Association	Supports the SWM Utility Fee. Recognizes that SWM is a complex issue and that it sometimes takes several iterations to get to a good solution for difficult problems like installing SWM in a previously developed neighborhood such as College Gardens. Believes that the City must invest in good infrastructure that corrects mistakes from the 1950s – 1970s. He is in favor of the LID incentive program (a proposed cost-sharing program to encourage use of Low Impact Development, or non-structural, SWM.	An overview of the NPDES permit program will be given to the Mayor and Council in early March.

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	Appreciates the long-term cash flow evaluation to see expected SWM Utility rates. Would like more information about the NPDES regulations and how they relate to the City's proposed program.	
Carl Henn (in response to Rich Gottfried's email)	<p>I don't share Rich's concern about the stormwater management fee. I reviewed the SWM fee concept when I was on the Environment Commission several years ago. This is the right way to go. Yes, we will have better water quality downstream from the water quality projects we build. We will have less flooding and erosion, and the Potomac River and Chesapeake Bay will benefit from our efforts. Moreover, most of the expense and effort is required by federal law anyway, so the question isn't whether we should address our stormwater management problems but rather how best to pay for it.</p> <p>In the past, developer's fees paid for this effort. But Rockville is now already developed, so we need a new funding source. If we pay for it out of ordinary revenues we would either have to increase property or income taxes or reduce other services. This fee is better because it is charged to businesses and government entities who have far more of the impervious surfaces. If we paid for this out of the general fund, residents would pay considerably more.</p> <p>Rich asks why we would still have a \$6,845,291 reserve balance in 2018. It's because they have chosen to run the existing balance down by about \$350,000 per year. Doing this slowly would allow us to skip issuance of bonds in years with higher interest, and to have interest on the balance that's still invested. Maybe we should run the fund out faster and have lower rates initially, but it doesn't change the big</p>	

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	<p>picture. If we didn't institute the new SWM fee, we would run out our fund in just over 4 years.</p> <p>Why does Montgomery County have a lower fee? Because they still have new development to charge for these projects. We are an older, already developed area relative to the county as a whole.</p>	
Carl Henn (at public hearing)	Supports SWM Utility Fee and the proposed program. Believes we should consider reducing the debt service in the SWM Fund cash flow model to be more economical, but this may not be as helpful to keeping the annual fee at a steady, lower rate of increase.	The Director of the Finance Department will continue to monitor the SWM Fund cash flow each year to ensure it operates as economically as possible without disrupting the expected services or causing major fluctuations in the utility rate. Debt service/bonding will be evaluated as part of this annual budget process.
Steve Cardin, New Mark Commons resident	Supports SWM Utility Fee, the City's environmental and SWM programs, and the Mayor and Council who champion these issues.	
COMMENTS ON LOW IMPACT DEVELOPMENT SWM TECHNIQUES		
Christina Ginsberg, President, Twinbrook Civic Association – also testified at public hearing on these issues	<p>The Storm Water Management Policy as proposed is admirable in many facets but also requires some additional policy mandates from you as our elected officials to create a truly effective and "green" policy.</p> <p>Homeowners arguably maintain the greenest acreage in Rockville outside of the acreage in parks, yet they are not acknowledged.</p> <p>Calculating the amount of storm water runoff from a single house lot appears to be impossible, but calculating the runoff from a large area can be done and should be done to assess what the true runoff is from these areas. Staff maintains that the runoff from a "compacted" 60 year old suburban lawn is the same as from a parking lot.</p>	<p>(The email was forwarded to the Department of Planning to respond to the issues regarding land use development, zoning requirements, green space coverage, and RORZOR. Staff retained comments related to the SWM Utility.)</p> <p>The proposed SWM Utility is based on one easily verified factor, imperviousness, and uses the median condition to represent the variety of single-family houses across Rockville. Impervious area is the major factor influencing the amount of runoff and makes it possible to compare properties regardless of their land use. Properties with less impervious area benefit by paying a lower annual SWM Utility Fee, so one ERU of impervious area costs the same whether it belongs to a single-family lot or to a</p>

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	<p>from a parking lot.</p> <p>Areas where property owners maintain lawns, trees, etc, should be valued, in the current jargon, as ALREADY manifesting low impact design (LID) principles... I would submit to you that the fee as designed does not take these economies of scale into account.</p> <p>Moreover, I find especially troubling the assumption that developments with LID features will be able to "buy out" of the storm water management fees, at some point. Why are we going to give credits or incentives for something that in the long run, will be of financial <i>benefit</i> to a developer? Especially when we are decidedly NOT going to be able to give the same credits or incentives to a private homeowner, and most especially not proportionate to the scale of what an average homeowner can implement on their property?</p>	<p>drive-through bank.</p> <p>The SWM Utility Fee does not attempt to distinguish between owners' management of their open space. With over 11,000 single-family lots, the City cannot calculate individual fees by policing each homeowner's use of fertilizers, pet waste management, or willingness to replace lawn with native gardens. As new SWM programs for public education are initiated, the City plans to work with both residents and business owners to improve watershed behavior, including environmentally sustainable open space usage.</p> <p>The SWM Utility Fee also does not differentiate between each lot's configuration and drainage path. Some houses have their downspouts directed onto their driveways or into very short drainage swales so most of the runoff goes straight to the street's gutter and storm drain. Some commercial properties have downspouts into planting beds and parking lot islands where some runoff may infiltrate.</p> <p>The Mayor and Council are expected to discuss revisions to the SWM law and regulations related to LID in 2009. After the State has created LID regulations, which are expected in 2008, the City will review these and recommend ways to incorporate them into the SWM law/regulations and any other City codes that should be affected. The City's SWM legislation covers both the developer SWM requirements and the SWM Utility Fee. There will be a public comment period and a public hearing when the SWM legislation revisions are under consideration.</p>

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	<p>If necessary to accomplish this, I would ask you STRONGLY to use some of the \$24 million dollars projected personnel costs as detailed in the Storm Water Management policy to hire city Staff who are experienced in implementing LID type design principles.</p>	<p>Staff will need additional training to keep our planners, engineers and inspectors current on the changing LID techniques and standards. The SWM Utility program accounts for increased training and hiring of new staff. (Note: the \$24 million in personnel costs represents the estimated personnel expenses over ten years for existing and proposed staff.)</p>
COMMENTS ON SWM FUND FISCAL ANALYSIS AND CASHFLOW		
<p>Rich Gottfried, homeowner</p>	<p>For the record, I agree with the stormwater management goals of reducing stream erosion, improving water quality and sediment control. My concerns are:</p> <p>First...for the citizens' investment into stormwater management amounting to \$58 million dollars over a ten year period...there is NO guarantee that the City will be able to provide any documentable, scientifically sound evidence that there will be an improvement in the water quality!</p> <p>Second...for the citizens' investment into storm water management amounting to \$58 million dollars over a ten year period...there is no guarantee that the city can provide any discernable evidence that the decrease in rushing water runoff expected from engineered changes to our storm water system will decrease the stream bank erosion that dumps more sediment into our creeks – sediment that hurts aquatic insects, fish and animals that depend on the stream for their food and habitat.</p>	<p>(Note: Mr. Gottfried's data tables were deleted from the comments for space constraints.)</p> <p>1 and 2. If the City does nothing, it is guaranteed to a.) run out of money in the SWM Fund, and b.) be in violation of the federal NPDES permit requirements. Non-compliance with NPDES requirements exposes the City to Clean Water Act penalties of up to \$27,500 per violation per day. It is not a question of whether the expanded SWM program is needed; it is a question of how to equitably pay for it.</p> <p>Performance measurements for SWM and streams are part of the expanded SWM Utility program. Water quality improvements may be measured in a number of ways, including chemical water quality monitoring in streams and at SWM facility outfalls, stream stability indices, biologic indicators of aquatic insects and fish, and hydrologic/hydraulic models and measurements. The City has tried all of these techniques and has found that chemical or flow monitoring is too variable (sensitive to rainfall patterns and localized spills, and only shows conditions for that day); biologic indicators are not sensitive enough to show relative differences</p>

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	<p>Third...why are we borrowing \$9.5 million dollars over twenty years? Please explain!</p>	<p>between the City's streams; and hydrologic modeling only represents the volume and velocity of runoff.</p> <p>Stream measurements of channel shape, stability bedload has been the most consistent indicator in Rockville for determining needs for SWM and stream improvements. The State's Since the City's watershed studies collected initial baseline data between 1995 and 2000, the City plans to compare stream data to be gathered through the watershed study updates programmed for the next 5 years. In 2005-06, the City considered much more extensive biologic, chemical, and physical stream monitoring for the SWM Utility program but ultimately recommended against it since staff felt this would not substantially improve the program results. The proposed SWM Utility program calls for occasional chemical and biologic monitoring (using interns, volunteers and consultants) to correlate against physical stream data.</p> <p>One easily quantified performance measurement is the linear feet of restored stream bank, miles of repaired storm drain pipes and acres of previously untreated developments routed into SWM retrofits. The City continues to track these numbers.</p> <p>3. As explained in the Discussion and Instruction agenda item, the choice to use bonding reflects the desire to keep SWM Utility rates lower for today's owners, spread the cost of today's improvements over the years that future owners will benefit, and prevent the SWM Utility rate from fluctuating as much with the variable CIP annual costs.</p>

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	<p>Fourth...the stormwater management ending fund balance in fiscal year 2018 amounts to \$6.8 million dollars...it appears to be a year's worth of expenses. Why do we need a one year reserve of expenses? How many days' reserve is this? 90 days as per the approved financial management policy on enterprise funds? Do we need to change the approved financial management policy with regards to the section on the SWM reserve policy to read 365 days of reserve? Please analyze this reserve as you did for the refuse fund...what is the worst case scenario regarding SWM and what should be the amount needed as a reserve? What were the last three storm water catastrophes? For example, what was the cost of the Hungerford water problem last year?</p> <p>Fifth...please explain to the citizens of Rockville, backed by a study and research of sound scientific principles, the amount of storm water (aka rain) that leaves the impervious surface area of an average Rockville single family lot and reaches the City of Rockville property, streets or storm drains during an average storm event. Probably the amount of rain during an average rainfall that makes it to the streets and sewers is zero! When we have had years and years of rain levels well less than average, can we say that increases in storm water run-off is coming from existing homes? Or can we admit that it is coming from poor planning and design at NEW developments such as Town Center?</p>	<p>4. \$6.8 million is not the reserve; the proposed FY18 reserve of approximately \$1.5 million includes the 90-day operating reserve plus a modest capital reserve. The capital reserve in the current cash flow projection was \$350,000; this was considered adequate for an early capital reserve estimate given the high SWM Fund balance. For reference, recent emergency projects include Congressional Towers storm drain repairs for \$678,000 and storm drain /stream erosion repairs from the June, 2006 floods for \$250,000. The remaining unappropriated fund balance reflects the amount yet to be spent down in that model. It will be used for possible projects identified through the upcoming watershed studies, storm drain inventory and implemented NPDES elements as the SWM program is expanded. Whatever remains will be spent down in future years until the fund balance reaches the reserve levels.</p> <p>5. The detailed scientific principles were discussed verbally with Rich Gottfried at the Jan. 31 open house meeting. The assumption that single-family lots do not generate runoff is false, as proven by the drainage complaints received from homeowners about their neighbors' runoff each spring. The City is attempting to deal with SWM burdens from all properties – new, old, residential, commercial. Impervious area causes runoff. Some runoff may be mitigated by draining across long vegetated areas, but this also depends on many other variables. It is not measurable every year or two for purposes of setting individual SWM Utility Fees. New developments such as King Farm and Fallsgrrove, built with modern and effective SWM systems, have</p>

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	<p>Sixth...why are we paying to hire fourteen more City employees in the SWM department? Can we re-task current employees?</p> <p>Seventh...why don't we elect to join Montgomery County's storm water management program, since their utility fee is only \$26 per year?</p> <p>Eighth...let's utilize our existing tax dollars (NOT FEES) to fund the needed SWM maintenance, repair, rehabilitation and improvements to the city's public SWM and stream projects. Then with a deficit of \$1,338,437 in FY08, can the Mayor and Council find a way to spread the deficit (shortfall) among ALL the departments? The effect of a re-prioritization of the budget is that neither SWM nor water fund fees will be assessed against the citizens of the City of Rockville</p>	<p>done much more to mitigate runoff from their impervious areas than older developments in Twinbrook and other established communities. The SWM Utility Fee also covers costs of managing public storm drainage, stream restoration, and water quality protection outside of individual lots. It is not only for reducing runoff volumes.</p> <p>6. Some current employees are being re-assigned to work only on SWM functions, which will help fulfill existing duties. Additional current staff, who have worked on SWM functions, but have been charged to the General Fund, will now be consolidated under the SWM Fund to adjust for functions that are being transferred. Proposed new staff are split between engineering/inspection and storm drain operations/maintenance. 8 of the proposed 14 new positions are laborers who will fill out one understaffed work crew and (in FY11) form a new 6-person work crew for inspecting and maintaining the City's 100 miles of storm drain pipes.</p> <p>7. See response to Councilman Britton on same question, page 10 of this document.</p> <p>8. The issue of using General Funds vs. a SWM Utility Fee was decided by the Mayor and Council in November 2006. A SWM Utility Fee was considered more equitable since it matches the cost of SWM, storm drainage and water quality protection to each property's relative contribution of runoff. Using General Funds to support this program will result in either substantial tax increases or a cut to other City services. See the worksession</p>

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	<p>and our tax dollars will go to fund the necessary infrastructure that has been neglected over the past several years.</p> <p>Ninth...In FY 2014 to FY 2018 our interest EXPENSE from our bond issuance is more than the interest income EARNED. Why issue more bonds versus just paying cash? Why do we appear to be borrowing for the sake of borrowing?</p> <p>Please note that built into these projections BY CITY STAFF is an expectation that we will see 4610 ERUs (or 10,741,300 square feet of impervious surface) added in the City of Rockville by 2018, an increase of 12% in impervious surface area added to Rockville over today's levels. Are these projected 4610 ERU's road improvements or other civic infrastructure or do they represent more private development?</p> <p>Why are the citizens being TAXED AND FEE'D to support more impervious surface? Homeowners cannot even receive any credits for installing rain barrels or a rain garden, while developers may be able to claim LID credits or even buy out off-site SWM mitigations.</p> <p>ONE EXAMPLE – the paver repair in the City's flagship development of Town Center will increase storm water runoff as pavers set on a pervious sand base that was intended to perk storm water into the ground are replaced by pavers set on an impervious concrete base. We all understand that the first design was unsound in its engineering principles, yet how can the second design be sound when no on-site mitigations such as vault reserves are being installed? Where is</p>	<p>agenda item for the SWM Utility Study available on the City's website for a detailed discussion.</p> <p>9. This cash flow model is a ten-year projection; it will be adjusted each year to ensure that the budget reflects current revenues, expenses, and CIP schedules. Bonding will be adjusted appropriately.</p> <p>The projected increase in impervious area (ERUs) in the cash flow model will be adjusted to reflect actual imperviousness measured every two years from aerial photos. The increase may be more or less than the 12% estimate. It will reflect actual impervious changes within all non-single-family parcels (including City parks or other facilities). The City also will periodically recheck the ERU measurement that represents the median imperviousness for a single-family lot in the City and may need to adjust the ERU's square footage to accurately represent this value.</p> <p>LID credits will be discussed in 2009 with the Mayor and Council.</p> <p>The Town Center does have underground water quality facilities. Onsite water quantity control at Town Center would not be detectable at the end of the storm drain pipe at the Maryvale Park stream where the Town Center and several hundred more acres discharge. Instead, a regional SWM retrofit pond is under construction at that location to help reduce stream erosion more effectively. The Town Center paver repair was not paid out of the SWM</p>

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	<p>this storm water going besides into Croydon Creek? And will this engineering mistake be paid for from the new storm water management fees instead of from the taxes generated by the special taxing district implemented last year?</p> <p>The ten year cost of the SWM program is broken down as follows:</p> <table><tr><th>DESCRIPTION</th><th>AMOUNT</th></tr><tr><td>PERSONNEL</td><td>\$24,610,560</td></tr><tr><td>OPERATING</td><td>\$6,399,385</td></tr><tr><td>CONTRACT SERVICES</td><td>\$6,458,620</td></tr><tr><td>CAPITAL</td><td>\$14,037,000</td></tr><tr><td>OTHER EXPENSES</td><td>\$7,402,655</td></tr><tr><td>TOTAL PROGRAM</td><td>\$58,908,220</td></tr></table> <p>Based on the above reasons for NOT spending \$58 million dollars (for example...\$24 million for personnel and \$6.5 million for consultants, etc), can we just spend \$14 million dollars (approximately \$1.4 million dollars per fiscal year over ten years) on the capital improvements necessary in the SWM area and get rid of the large amount of overhead necessary to implement this proposed program? Can we borrow ONLY if needed (since you were going to borrow \$9.5 million dollars anyway)? It appears this may be a more practical solution.</p>	DESCRIPTION	AMOUNT	PERSONNEL	\$24,610,560	OPERATING	\$6,399,385	CONTRACT SERVICES	\$6,458,620	CAPITAL	\$14,037,000	OTHER EXPENSES	\$7,402,655	TOTAL PROGRAM	\$58,908,220	<p>Fund.</p> <p>This proposal overlooks the question of which fund should pay for current and future staff, and ignores the bottlenecks to the current SWM program. Staff from storm drainage and water quality protection programs are not currently funded by the SWM Fund. Engineering, inspection and storm drain operations/maintenance divisions are understaffed and therefore have not been fulfilling the mission of preventative upkeep, inspections of construction sites and existing SWM facilities, timely design of CIP improvements, and updating SWM policies to meet new demands for LID, drainage problems, etc. It also does not recognize that operating costs and contractor services must be funded as well as CIP expenses to provide the proposed programs, such as the performance monitoring evidence requested by Mr. Gottfried in item 1, and cleanouts of debris from</p>
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PERSONNEL	\$24,610,560															
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		SWM facilities.
COMMENTS ON CITY'S SWM PROGRAM		
Councilman John Britton (in response to Rich Gottfried's email)	What was/will be the cost of the College Gardens SWM system?	Overall, the combined estimated cost for the new SWM pond, the parks improvements and the stream restoration is \$2,134,866. The SWM Fund's portion of this figure is \$1,203,866 and the General Fund's portion is \$931,000. The total design cost to the SWM Fund for the concept and final engineering designs on College Gardens pond and stream improvements is \$238,866. The construction cost estimate for the pond and stream improvements is \$965,000. In addition, the Recreation and Parks Department is spending roughly \$42,000 in architect design costs and \$889,000 in construction of park facilities improvements from the General Fund.
Art Cassanova, Victoria Condo owner	Would like a breakdown of the expected functions for the SWM program's existing staff and its the proposed staff under the expanded program to understand why so many new staff are needed.	Staffing changes will occur across several DPW divisions. In addition to several existing positions that will be reclassified under the SWM Fund, over the next three fiscal years (FY09 through FY11) 14.1 new FTEs (Full Time Equivalent positions) will be added to conduct new programs and to perform existing services that are backlogged or not done to the extent required by law. These new positions include: <ul style="list-style-type: none"> • 1.0 FTE Engineer, 2.0 FTE Engineering Technicians*, and 0.1 FTE GIS Specialist* in the Engineering Division to assist with SWM and storm drainage projects and studies, grading permits, and GIS database management; • 1.0 FTE Inspector in Contract Management to handle the private SWM facility inspection program; • 8.0 FTE Maintenance Crew members in Operations and Maintenance for the expanded

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		<p>storm drain inspection and repairs program; and</p> <ul style="list-style-type: none"> • 1.0 FTE SWM Administrator and 1.0 FTE Budget Specialist to coordinate all water resources programs, handle SWM Utility billing issues, pursue and track grants, and follow performance measures. <p>*An Engineering Technician IV and GIS Specialist were "frozen" as part of the FY08 budget deliberations.</p>
Jaquie Kuban (in response to Rich Gottfried's email)	<p>I am 100% all for Rockville "adopting" strong Storm Water Management guidelines and am not against the fees/tax to fund this, however it had seemed to me that they were putting the cart (fees/taxes) before the horse (strict guidelines to insure that no further building/development will add to the SWM problem.)</p> <p>The other day, I watched in Town Center as they put down the concrete to relay the paver stones. The water that runs from these stones, filled with sediment, trash, fuel and car exhaust, etc. etc. will wash into the street, into the drain and into the Bay, via our creeks and watershed layer. Suspended solids and pollution in our creeks equal death to our waterways.</p>	<p>The existing SWM program costs are related to ALL development in Rockville, including the older communities. These are the locations with the greatest stream impacts (including piped streams and long-standing drainage problems) and the fewest opportunities to correct them.</p> <p>Although the Town Center does have underground water quality facilities to trap sediment, trash, and pollutants, much of the City does not. This SWM Utility program will allow the City to meet its obligations to better protect its waterways and the Chesapeake Bay.</p>
Brigitta Mullican, resident	<p>Why does the City of Rockville want to be more progressive from other jurisdictions as the District of Columbia, Montgomery County, and Prince George's County, who have older infrastructure and are struggling with the same issue?</p>	<p>(Comments about the potable water system that were unrelated to the SWM Utility were deleted from this record.)</p> <p>Montgomery County and Prince George's County have both implemented directed funding for their SWM programs. Since the 1980s or before, Prince George's county residents paid 1.35 cents per \$100 assessed value through real property taxes. This was raised to 5.4 cents in 2002, so a \$500,000 house in</p>

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	<p>Mr. Gottfried makes excellent points and agrees with the storm water management goals of reducing stream erosion, improving water quality and sediment control. How the City plans to prioritize and budget the SWM project is the important decision you must make. The Federal government will continue to impose requirements on local jurisdictions, but if the money is not there implementation can't happen.</p>	<p>Prince George's County today contributes \$270 annually in taxes to the County's SWM Fund. Montgomery County implemented its Water Quality Protection Charge in 2002 (see response on page 8). The District of Columbia is preparing to implement a SWM Fee based on imperviousness in October 2008.</p> <p>See response to Rich Gottfried on page 14 regarding the NPDES penalties for violations. Thousands of communities across the country are increasing taxes or implementing SWM fees to cover these unfunded mandates. The City also must maintain its infrastructure for the safety and welfare of Rockville residents and businesses, and to meet State and local concerns to protect the Chesapeake Bay.</p>
Carl Henn, resident	<p>My 2 cents worth - it isn't conservative to put off repairs till the last minute. Replacing aging infrastructure before it breaks is cheaper than waiting for it to break, and results in better service. Finally, global oil production will soon enter decline and force the cost of any energy intensive products or services up. Pipes and pipe replacement is energy intensive. Getting more done now will likely be cheaper than putting it off by 5 or 10 years.</p>	<p>(Comments about the potable water system that were unrelated to the SWM Utility were deleted from this record.)</p>